

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPEALALTE SIDE

WRIT PETITION NO.10710 OF 2004

Naresh Amritlal Shah & Ors.

...Petitioners.

Versus

Kantilal Chunilal Shah & Ors.

...Respondents.

.....

Mr. R. L. Bhatia i/b. H. M. Advani for the Petitioners.

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CORAM : DR. D.Y. CHANDRACHUD, J.

May 5, 2005.

P.C.:

None of the conditions requisite for striking out pleadings under Order 6 Rule 16 have been made out in the present case. In fact, the application which was filed by the Petitioners was totally vexatious and was an abuse of the process. The Learned Trial Judge has noted that as many as 32 applications were filed by the Petitioners, the effect of which would be to delay and protract the trial. That apart, on merits, the Learned Trial Judge has, in my

view, arrived at the correct conclusion in holding that the pleadings were related to the ultimate relief which was claimed in the suit and, therefore, a direction under Order 6 Rule 16 of the Code of Civil Procedure, 1908 was not warranted. There is no merit in the Petition which is accordingly rejected.

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